

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN**

ROCKWELL AUTOMATION, INC. and  
ROCKWELL AUTOMATION  
TECHNOLOGIES, INC.

*Plaintiffs,*

v.

WAGO CORPORATION and WAGO  
KONTAKTTECHNIK GMBH & CO. KG

*Defendants.*

Case No. 3:10CV718-WMC

The Hon. William M. Conley

**PARTIES' AGREEMENT REGARDING  
SECTIONS 5(a) AND 6(b),(c), (d) OF CLOSING INSTRUCTIONS**

**Section 5(a)**

Plaintiffs contend that Defendants have directly infringed claims **1, 5, 6, 10, 11, 12, 14, 15, 16, 20, 21** of the '813 patent and claims **1, 2, 3, 6, 9, 10, 14, 16, 24** and **29** of the '974 patent.

\* \* \*

In this case, the parties disagree that the requirements of the asserted claims of the '813 and '974 patents are present in the accused products.

\* \* \*

**Section 6(b) Prior Art**

In determining invalidity, you may need to consider what is disclosed in the "prior art."

The parties agree that the following references are "prior art" to plaintiffs' patents:

6,516,233  
6,543,210  
6,519,594  
6,453,210  
6,438,441

6,516,233  
6,198,480  
5,911,924  
5,896,292  
5,801,942  
5,796,602  
5,792,483  
5,764,507  
5,631,839  
5,576,946  
5,470,218  
5,469,352  
5,134,574  
4,907,167  
4,517,637

\* \* \*

#### **Section 6(c) Anticipation**

\* \* \*

Defendants contend that the asserted claims 1, 20 and 21 of the '813 patent and all asserted claims of the '974 patent are anticipated.

\* \* \*

#### **Section 6(d) Obvious**

\* \* \*

Defendants also contend that all asserted claims of the '813 and '974 patents are obvious.

\* \* \*

Dated: October 5, 2012

Respectfully submitted,

/s/ David L. De Bruin

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**Certificate Of Service**

I HEREBY CERTIFY that on this 5th day of October, 2012, a copy of the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system and was served on the following counsel as indicated below.

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/s/ Gilberto E. Espinoza

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